

**U.S. District Court
District of Columbia (Washington, DC)
CIVIL DOCKET FOR CASE #: 1:18-cv-01814-TNM**

ELECTRONIC PRIVACY INFORMATION CENTER v.
UNITED STATES DEPARTMENT OF JUSTICE
Assigned to: Judge Trevor N. McFadden
Cause: 05:552 Freedom of Information Act

Date Filed: 08/01/2018
Jury Demand: None
Nature of Suit: 895 Freedom of
Information Act
Jurisdiction: U.S. Government Defendant

Plaintiff

**ELECTRONIC PRIVACY
INFORMATION CENTER**

represented by **Alan Jay Butler**
ELECTRONIC PRIVACY
INFORMATION CENTER
1519 New Hampshire Ave, NW
Washington, DC 20036
(202) 483-1140 ext 103
Fax: (202) 483-1248
Email: butler@epic.org
ATTORNEY TO BE NOTICED

V.

Defendant

**UNITED STATES DEPARTMENT OF
JUSTICE**

represented by **Marina Utgoff Braswell**
U.S. ATTORNEY'S OFFICE FOR THE
DISTRICT OF COLUMBIA
555 Fourth Street, NW
Washington, DC 20530
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LEAD ATTORNEY
ATTORNEY TO BE NOTICED

Date Filed	#	Docket Text
08/01/2018	<u>1</u>	COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE (Filing fee \$ 400 receipt number 0090-5615934) filed by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Civil Cover Sheet, # <u>2</u> Summons Department of Justice, # <u>3</u> Summons U.S. Attorney for the District of Columbia, # <u>4</u> Summons Attorney General of the United States)(Butler, Alan) (Entered: 08/01/2018)
08/02/2018		Case Assigned to Judge Trevor N. McFadden. (zjd) (Entered: 08/02/2018)
08/02/2018	<u>2</u>	SUMMONS (3) Issued Electronically as to UNITED STATES DEPARTMENT OF JUSTICE, U.S. Attorney and U.S. Attorney General. (Attachment: # <u>1</u> Notice and Consent)(zjd) (Entered: 08/02/2018)
08/02/2018	<u>3</u>	STANDING ORDER Establishing Procedures for Cases Before Judge Trevor N. McFadden. The parties are hereby ORDERED to read and comply with the directives in the attached standing order. Signed by Judge Trevor N. McFadden on 8/2/2018. (lctnm2) (Entered: 08/02/2018)
09/13/2018	<u>4</u>	NOTICE of Appearance by Marina Utgoff Braswell on behalf of UNITED STATES DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 09/13/2018)
09/19/2018	<u>5</u>	ANSWER to Complaint by UNITED STATES DEPARTMENT OF JUSTICE.(Braswell, Marina) (Entered: 09/19/2018)
09/20/2018		MINUTE ORDER. Before the Court are a complaint and an answer in this FOIA case. It is hereby ORDERED that the parties shall meet and confer and file a Joint Status

		Report proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. The parties shall file the schedule on or before October 19, 2018. Signed by Judge Trevor N. McFadden on 9/20/2018. (lctnm2) (Entered: 09/20/2018)
09/20/2018		Set/Reset Deadlines: Joint Status Report due by 10/19/2018. (hmc) (Entered: 09/20/2018)
10/19/2018	<u>6</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 10/19/2018)
10/22/2018		MINUTE ORDER. Upon consideration of the parties' <u>6</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before November 6, 2018, proposing a schedule for proceeding in this matter. The schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. Signed by Judge Trevor N. McFadden on 10/22/2018. (lctnm2) (Entered: 10/22/2018)
10/23/2018		Set/Reset Deadlines: Joint Status Report due by 11/6/2018. (hmc) (Entered: 10/23/2018)
11/06/2018	<u>7</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 11/06/2018)
11/07/2018		MINUTE ORDER. On October 22, 2018, the Court entered a minute order instructing the parties to file a Joint Status Report on or before November 6, 2018, to propose a schedule for proceeding in this matter, but the parties have requested additional time to determine the scope of the issues in dispute and to agree upon a schedule. So upon consideration of the parties' <u>7</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before November 20, 2018, proposing a schedule for proceeding in this matter. As previously instructed, the schedule should address, among other things, the status of Plaintiff's FOIA request, the anticipated number of documents responsive to Plaintiff's FOIA request, the anticipated date(s) for release of the documents requested by Plaintiff, whether a motion for an Open America stay is likely in this case, whether a Vaughn index will be required in this case, and a briefing schedule for dispositive motions, if required. Signed by Judge Trevor N. McFadden on 11/7/2018. (lctnm2) (Entered: 11/07/2018)
11/07/2018		Set/Reset Deadlines: Joint Status Report due by 11/20/2018. (hmc) (Entered: 11/07/2018)
11/20/2018	<u>8</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 11/20/2018)
11/20/2018		MINUTE ORDER. Upon considering the parties' <u>8</u> Joint Status Report, it is hereby ordered that the parties shall file a further status report outlining the scope of the issues in dispute and proposing a schedule for further proceedings, including dispositive motions briefing, if necessary, no later than January 7, 2019. Signed by Judge Trevor N. McFadden on 11/20/2018. (lctnm2) (Entered: 11/20/2018)
11/21/2018		Set/Reset Deadlines: Joint Status Report due by 1/7/2019. (hmc) (Entered: 11/21/2018)
01/03/2019	<u>9</u>	Consent MOTION to Stay (<i>Defendant's Consent Motion to Stay Proceedings in Light of Lapse of Appropriations</i>) by UNITED STATES DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 01/03/2019)
01/03/2019		MINUTE ORDER granting <u>9</u> Motion to Stay. Upon considering the Defendant's <u>9</u> Motion to Stay, it is hereby ordered that this matter shall be stayed until Congress has restored appropriations to the Department of Justice. It is further ordered that the Defendant will notify the Court immediately upon resumption of appropriations. Signed by Judge Trevor N. McFadden on 1/3/2019. (lctnm2) Modified on 1/7/2019 to

		edit Motion ECF number (hmc). (Entered: 01/03/2019)
01/30/2019	<u>10</u>	NOTICE of Restored Government Funding by UNITED STATES DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 01/30/2019)
01/31/2019		MINUTE ORDER. Upon considering the Defendant's <u>10</u> Notice of Restored Government Funding, it is hereby ordered that the stay in this case is lifted. It is further ordered that the parties shall meet and confer, and submit a Joint Status Report on or before February 7, 2019. Signed by Judge Trevor N. McFadden on 01/31/2019. (lctnm2) (Entered: 01/31/2019)
02/01/2019		Set/Reset Deadlines: Joint Status Report due by 2/7/2019. (hmc) (Entered: 02/01/2019)
02/07/2019	<u>11</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 02/07/2019)
02/08/2019		MINUTE ORDER. Upon considering the parties' <u>11</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before March 15, 2019. The Joint Status Report should update the Court on the Defendant's processing of the Plaintiff's request and advise the Court how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 02/08/2019. (lctnm2) (Entered: 02/08/2019)
02/11/2019		Set/Reset Deadlines: Joint Status Report due by 3/15/2019. (hmc) (Entered: 02/11/2019)
03/15/2019	<u>12</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 03/15/2019)
03/18/2019		MINUTE ORDER. Upon considering the parties' <u>12</u> Joint Status Report, it is hereby ordered that the parties shall file a further Joint Status Report on or before April 26, 2019. The Joint Status Report should advise the Court how the parties wish to proceed in this matter. Signed by Judge Trevor N. McFadden on 03/18/2019. (lctnm2) (Entered: 03/18/2019)
03/18/2019		Set/Reset Deadlines: Joint Status Report due by 4/26/2019. (hmc) (Entered: 03/18/2019)
04/26/2019	<u>13</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 04/26/2019)
04/26/2019		MINUTE ORDER. Upon considering the parties' <u>13</u> Joint Status Report, it is hereby ordered that that parties shall file a further Joint Status Report on or before June 13, 2019. The Joint Status Report should inform the Court of the status of the Defendant's processing of the Plaintiff's request and advise how the parties propose to proceed in this matter. Signed by Judge Trevor N. McFadden on 04/26/2019. (lctnm2) (Entered: 04/26/2019)
04/29/2019		Set/Reset Deadlines: Joint Status Report due by 6/13/2019. (hmc) (Entered: 04/29/2019)
06/13/2019	<u>14</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 06/13/2019)
06/17/2019		MINUTE ORDER. Upon considering the parties' <u>14</u> Joint Status Report, it is hereby ordered that that parties shall file a further Joint Status Report on or before July 25, 2019. The Joint Status Report should inform the Court of the status of the Defendant's processing of the Plaintiff's request and advise how the parties propose to proceed in this matter. Signed by Judge Trevor N. McFadden on 06/17/2019. (lctnm2) (Entered: 06/17/2019)
06/17/2019		Set/Reset Deadlines: Joint Status Report due by 7/25/2019. (hmc) (Entered: 06/17/2019)
07/25/2019	<u>15</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Butler, Alan) (Entered: 07/25/2019)
07/26/2019		MINUTE ORDER. Upon consideration of the parties' <u>15</u> Joint Status Report, it is hereby ordered that the Plaintiff shall file its Motion for Leave to Amend on or before

		August 26, 2019. It is further ordered that the parties shall file a Joint Status Report within 10 days of the Plaintiff's filing its Motion for Leave to Amend. Signed by Judge Trevor N. McFadden on 07/26/2019. (lctnm2) (Entered: 07/26/2019)
07/26/2019		Set/Reset Deadlines: Plaintiff's Motion for Leave to Amend due by 8/26/2019. (hmc) (Entered: 07/26/2019)
08/26/2019	<u>16</u>	MOTION for Leave to File <i>First Amended Complaint</i> by ELECTRONIC PRIVACY INFORMATION CENTER (Attachments: # <u>1</u> Proposed First Amended Complaint, # <u>2</u> Text of Proposed Order)(Butler, Alan) (Entered: 08/26/2019)
09/03/2019	<u>17</u>	NOTICE of Change of Address by Alan Jay Butler (Butler, Alan) (Entered: 09/03/2019)
09/10/2019		MINUTE ORDER granting <u>16</u> Motion for Leave to File. The Plaintiff filed its <u>16</u> Motion for Leave to Amend on August 26, 2019. Under Local Rule 7(b) the Defendant's opposition to the Motion for Leave to Amend was due yesterday, but no opposition was filed. The Plaintiff's Motion for Leave to Amend is thus granted as unopposed. The parties shall file a joint status report by September 20, 2019, advising the Court of their proposed schedule for further proceedings in this case. Signed by Judge Trevor N. McFadden on 09/10/2019. (lctnm2) (Entered: 09/10/2019)
09/10/2019	<u>18</u>	AMENDED COMPLAINT against UNITED STATES DEPARTMENT OF JUSTICE filed by ELECTRONIC PRIVACY INFORMATION CENTER. (tth) (Entered: 09/16/2019)
09/11/2019		Set/Reset Deadlines: Joint Status Report due by 9/20/2019. (tg) (Entered: 09/11/2019)
09/20/2019	<u>19</u>	Joint STATUS REPORT by ELECTRONIC PRIVACY INFORMATION CENTER. (Attachments: # <u>1</u> Text of Proposed Order)(Butler, Alan) (Entered: 09/20/2019)
09/23/2019		MINUTE ORDER. The parties are hereby ordered to adhere to the following schedule: The Defendant's Motion for Summary Judgment is due on or before October 28, 2019; the Plaintiff's Opposition and Cross-Motion for Summary Judgment is due on or before December 16, 2019; the Defendant's Reply in Support of Summary Judgment and Opposition is due January 6, 2020; the Plaintiff's Reply in Support of Cross-Motion of Summary Judgment is due on or before January 20, 2020. Signed by Judge Trevor N. McFadden on 09/23/2019. (lctnm2) (Entered: 09/23/2019)
09/23/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by October 28, 2019; Plaintiff's Opposition and Cross-Motion for Summary Judgment due by December 16, 2019; Defendant's Reply in Support of Summary Judgment and Opposition due by January 6, 2020; Plaintiff's Reply in Support of Cross-Motion due by January 20, 2020. (hmc) (Entered: 09/23/2019)
10/15/2019	<u>20</u>	Unopposed MOTION to Amend/Correct Order., <i>Regarding Briefing Schedule</i> by UNITED STATES DEPARTMENT OF JUSTICE (Braswell, Marina) (Entered: 10/15/2019)
10/16/2019		MINUTE ORDER granting in part and denying in part Defendant's <u>20</u> Unopposed Motion to Amend Briefing Schedule. The parties shall adhere to the following schedule: Defendant's Motion for Summary Judgment is due on or before November 13, 2019; Plaintiff's Opposition and Cross-Motion for Summary Judgment is due on or before December 16, 2019; Defendant's Opposition and Reply is due on or before January 10, 2020; Plaintiff's Reply is due on or before January 24, 2020. SO ORDERED. Signed by Judge Trevor N. McFadden on 10/16/2019. (lctnm2) (Entered: 10/16/2019)
10/17/2019		Set/Reset Deadlines: Defendant's Motion for Summary Judgment due by 11/13/2019. Plaintiff's Opposition and Cross-Motion due by 12/16/2019. Defendant's Opposition and Reply due by 1/10/2020. Plaintiff's Reply due by 1/24/2020. (hmc) (Entered: 10/17/2019)
11/13/2019	<u>21</u>	MOTION for Summary Judgment by UNITED STATES DEPARTMENT OF JUSTICE (Attachments: # <u>1</u> Kornmeier Declaration, # <u>2</u> Leshner Declaration, # <u>3</u> Martin Declaration, # <u>4</u> McEnany Declaration, # <u>5</u> Perricone Declaration, # <u>6</u> Wilson Declaration)(Braswell, Marina) (Entered: 11/13/2019)